

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 6, 2009

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused – Loertscher, Pasley-Stuart, Roberts, Smith(24), Wood(27). Total – 5.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Annie Richter, Page.

Approval of Journal

March 6, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

March 5, 2009

Mr. Speaker:

I transmit herewith [S 1098](#), as amended, and [S 1071](#), as amended, which have passed the Senate.

WOOD, Secretary

[S 1098](#), as amended, and [S 1071](#), as amended, were filed for first reading.

Report of Standing Committees

March 6, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 29](#), [H 213](#), [H 214](#), [H 215](#), [H 216](#), [H 217](#), [H 218](#), [H 219](#), [H 220](#), and House amendments to [H 146](#), [H 145](#), [H 157](#), [H 155](#), [H 160](#), and [H 178](#).

CLARK, Chairman

[HCR 29](#), [H 214](#), [H 215](#), [H 216](#), and [H 218](#) were referred to the State Affairs Committee.

[H 213](#) was referred to the Environment, Energy, and Technology Committee.

[H 217](#) and [H 220](#) were referred to the Business Committee.

[H 219](#) was referred to the Transportation and Defense Committee.

March 6, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 16](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HCR 16](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 6, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 64](#), as amended in the Senate, as amended in the Senate, [H 146](#), as amended, [H 145](#), as amended, [H 157](#), as amended, [H 155](#), as amended, [H 160](#), as amended, and [H 178](#), as amended.

CLARK, Chairman

[H 64](#), as amended in the Senate, as amended in the Senate, [H 146](#), as amended, [H 145](#), as amended, [H 157](#), as amended, [H 155](#), as amended, [H 160](#), as amended, and [H 178](#), as amended, were filed for first reading of engrossed bills.

March 5, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 73](#) and [H 165](#) and report them back with amendments attached to be placed on General Orders for consideration.

CLARK, Chairman

[H 73](#) and [H 165](#) were placed on General Orders for consideration.

March 5, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 72](#), [H 163](#), and [H 164](#) and recommend that they do pass.

CLARK, Chairman

[H 72](#), [H 163](#), and [H 164](#) were filed for second reading.

March 5, 2009

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 110](#), [H 111](#), [H 112](#), [H 113](#), [H 115](#), [H 159](#), and [H 187](#) and recommend that they do pass.

BLACK, Chairman

[H 110](#), [H 111](#), [H 112](#), [H 113](#), [H 115](#), [H 159](#), and [H 187](#) were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 221 BY EDUCATION COMMITTEE AN ACT

RELATING TO TUITION FOR PROFESSIONAL-TECHNICAL STUDENTS; AMENDING CHAPTER 22, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2213, IDAHO CODE, TO PROVIDE FOR USE OF CERTAIN MONEYS FOR TUITION FOR PROFESSIONAL-TECHNICAL STUDENTS AND TO PROVIDE FOR A LIST OF ENROLLEES; AND DECLARING AN EMERGENCY.

[H 221](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1098](#), as amended, by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1071](#), as amended, by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

First Reading of Engrossed Bills

[H 64](#), as amended in the Senate, as amended in the Senate, and [H 160](#), as amended, by Revenue and Taxation Committee, were introduced, read the first time by title, and filed for second reading.

[H 146](#), as amended, and [H 145](#), as amended, by Health and Welfare Committee, were introduced, read the first time by title, and filed for second reading.

[H 157](#), as amended, by Education Committee, was introduced, read the first time by title, and filed for second reading.

[H 155](#), as amended, by Transportation and Defense Committee, was introduced, read the first time by title, and filed for second reading.

[H 178](#), as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

Mrs. Wood(35) asked unanimous consent that [H 196](#) be returned to the Transportation and Defense Committee. There being no objection, it was so ordered.

[S 1073](#) and [SCR 103](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 147](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 124](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[HJM 3](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that all House bills be placed at the top of the Third Reading Calendar, followed by Senate bills for the remainder of the session. There being no objection it was so ordered.

[H 125](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 125](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Black, Labrador, Loertscher, Pasley-Stuart, Roberts, Smith(24), Wood(27). Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 125](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 126](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall [H 126](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Mr. Speaker. Total – 63.

NAYS – Barrett, Wood(35). Total – 2.

Absent and excused – Loertscher, Pasley-Stuart, Roberts, Smith(24), Wood(27). Total – 5.
Total – 70.

Whereupon the Speaker declared that [H 126](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 127](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chavez to open debate.

The question being, "Shall [H 127](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total – 63.

NAYS – Barrett, Marriott. Total – 2.

Absent and excused – Loertscher, Pasley-Stuart, Roberts, Smith(24), Wood(27). Total – 5.
Total – 70.

Whereupon the Speaker declared that [H 127](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 201](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall [H 201](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 52.

NAYS – Andrus, Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Jaquet, Killen, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Smith(30), Trail. Total – 17.

Absent and excused – Roberts. Total – 1.

Paired Votes:

AYE – Smith(24)	NAY – Jaquet
AYE – Wood(27)	NAY – Killen
AYE – Loertscher	NAY – Andrus
AYE – Wood(35)	NAY – Pasley-Stuart

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 201](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 107](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Labrador to open debate.

The question being, "Shall [H 107](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Clark, Loertscher, Pasley-Stuart, Roberts, Smith(24), Wood(27). Total – 6.
Total – 70.

Whereupon the Speaker declared that [H 107](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 179](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall [H 179](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Loertscher, Pasley-Stuart, Roberts, Smith(24), Wood(27). Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 179](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 184](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall [H 184](#) pass?"

Roll call resulted as follows:

AYES — Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total — 64.

NAYS — None.

Absent and excused — Lake, Loertscher, Pasley-Stuart, Roberts, Smith(24), Wood(27). Total — 6.

Total — 70.

Whereupon the Speaker declared that [H 184](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 168](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall [H 168](#) pass?"

Roll call resulted as follows:

AYES — Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total — 64.

NAYS — None.

Absent and excused — Lake, Loertscher, Pasley-Stuart, Roberts, Smith(24), Wood(27). Total — 6.

Total — 70.

Whereupon the Speaker declared that [H 168](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 9, 2009. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, March 9, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 9:08 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk